MADRAS REGULATION No. IV OF 1940.

[THE MADRAS AGENCY RULES (AMENDMENT) REGULATION, 1940.]

[*1st October 1940.*]

A Regulation further to amend the Madras Agency Rules for a certain purpose.

WHEREAS it is expedient further to amend the rules made under section 6 of the Scheduled Districts Act, 1874, for the administration of the Agency tracts of the Province of Madras and for the regulation of the procedure of the officers appointed to administer them, for the purpose hereinafter appearing; It is hereby enacted as follows :— Central Act XIV of 1874.

Short title.

1. This Regulation may be called the Madras Agency Rules (Amendment) Regulation, 1940.

Amendment of rule 63 of the Agency Rules.

2. In sub-rule (2) of rule 63 of the rules made under section 6 of the Scheduled Districts Act, 1874, for the administration of the Agency tracts of the [1][State] of Madras and for the regulation of the procedure of the officers appointed to administer them, after the second paragraph the following proviso shall be inserted, namely :— Central Act XIV of 1874.

"Provided that nothing contained in this sub-rule shall affect the appellate powers vested in the Board of Revenue by or under the Central Provinces Land Revenue Act, 1881, in the case of village officers in the Nugur taluk of the East Godavari district who are governed by the provisions of the said Act." Central Act XVIII of 1881.

MADRAS REGULATION No. V OF 1940.

[THE MADRAS (PARTIALLY EXCLUDED AREAS) COURT OF WARDS REGULATION, 1940.]

[*12th November 1940.*]

A Regulation to extend the provisions of the Madras Court of Wards Act, 1902, with certain modifications to the partially excluded areas in the Province of Madras.

WHEREAS it is expedient to extend the provisions of the Madras Court of Wards Act, 1902, with certain modifications Madras Act I of 1902.

[1]This word was substituted for the word "Province" by the Adaptation Order of 1950.

to the partially excluded areas in the Province of Madras ; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Regulation may be called the Madras (Partially Excluded Areas) Court of Wards Regulation, 1940.

(2) It extends to the whole of the [1][Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts].

Extension of sections 2 to 67 of Madras Act I of 1902 to the Scheduled Areas in the East Godavari, West Godavari and Visakhapatnam districts with certain modifications.

2. Sections 2 to 67 of the Madras Court of Wards Act, 1902 (hereinafter referred to as the said Act), shall apply to the whole of the [1][Scheduled Areas to which this Regulation extends] subject to the following modifications, namely :—

Madras Act I of 1902.

(i) in section 4 of the said Act, after the definition of 'Proprietor' the following definition shall be added, namely :—

"'Agency Rules' means the rules made under section 6 of the Scheduled Districts Act, 1874, for the administration of the Agency tracts of the [2][State] of Madras and for the regulation of the procedure of the officers appointed to administer them as amended by Regulations made under sub-section (2) of section 92 of the Government of India Act, 1935, [3][or under sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution]" ;

(ii) in section 12 of the said Act, for the words and figures "the Madras Local Boards Act, 1884", the words and figures "the Madras Local Boards Act, 1920"[4] shall be substituted ;

(iii) in section 35 of the said Act,—

(*a*) the words "In so far as it may be consistent with the provisions for the time being in force of this or any other Act or of any rule or with the customary law" shall be inserted at the commencement ; and

(*b*) the words "not inconsistent with the provisions of this or any other Act for the time being in force" shall be omitted ;

---

[1] These words were substituted for the words "partially excluded areas in the Province of Madras" by the Adaptation (Amendment) Order of 1950.

[2] This word was substituted for the word "Province" by the Adaptation Order of 1950.

[3] These words and figures were added by the Adaptation (Amendment) Order of 1950.

[4] Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920.)

(iv) in section 43 of the said Act,—

(*a*) in sub-section (3), for the words and figures "under the Madras Rent Recovery Act, 1865" the words "under any law for the time being in force" shall be substituted; and

(*b*) in sub-section (4), for the words "Code of Civil Procedure" the words "Agency Rules" shall be substituted;

(v) in section 45 of the said Act,—

(*a*) in sub-section (2), for the words "the Code of Civil Procedure" the words "the Agency Rules or any other law for the time being in force" shall be substituted; and

(*b*) in sub-section (3), the words and figures "including the powers of the civil court under sections 294 and 312 of the Code of Civil Procedure" shall be omitted and for the words "under the Code of Civil Procedure or other law" the words "under any law" shall be substituted;

(vi) in section 47 of the said Act, for the words and figures "sections 321, 322, 322-A, 322-B, 322-C, 322-D, 323, 324, 324-A, 325, 325-A, 325-C of the Code of Civil Procedure" the words and figures "rules 1 to 11 and 13 of the Third Schedule to the Code of Civil Procedure, 1908" shall be substituted; and

(vii) in section 53 of the said Act—

(*a*) in sub-section (1), for the words and figures "section 527 of the Code of Civil Procedure" the words and figures "rule 1 of Order XXXVI of the First Schedule to the Code of Civil Procedure, 1908" shall be substituted; and

(*b*) in sub-section (3), for the words and figures, "Chapter XXXVIII of the Code of Civil Procedure" the words and figures "Order XXXVI of the First Schedule to the Code of Civil Procedure, 1908" shall be substituted.

MADRAS REGULATION No. VI OF 1940.

[THE MADRAS (PARTIALLY EXCLUDED AREAS) GUARDIANS AND WARDS REGULATION, 1940.]

[*12th November 1940.*]

A Regulation to extend the provisions of the Guardians and Wards Act, 1890, with certain modifications to the portions of the partially excluded areas in the Province of Madras in which they are not in force.

WHEREAS it is expedient to extend the provisions of the Guardians and Wards Act, 1890, with certain modifications to Central Act VIII of 1890.